



**U S Army Corps
of Engineers**
Huntington District

Public Notice

In reply refer to Public Notice No.

200400434-1

Issuance Date:

January 24, 2006

Stream: UN Trib to Tuscarawas River

Closing Date:

February 23, 2006

Please address all comments and inquiries to:

U.S. Army Corps of Engineers, Huntington District

ATTN: CELRH-OR-F Public Notice No. (*reference above*)

502 Eighth Street

Huntington, West Virginia 25701-2070

Phone: (304) 399-5710

PUBLIC NOTICE: The purpose of this public notice is to inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. We hope you will participate in this process.

REGULATORY PROGRAM: Since its early history, the U.S. Army Corps of Engineers (Corps) has played an important role in the development of the nation's water resources. Originally, this involved construction of harbor fortifications and coastal defenses. Later duties included the improvement of waterways to provide avenues of commerce. An important part of our mission today is the protection of the nation's waterways through the administration of the Corps Regulatory Program.

SECTION 404: The Corps is directed by Congress under Section 404 of the Clean Water Act (33 USC 1344) to regulate the discharge of dredged and fill material into all waters of the United States, including wetlands. The intent of the law is to protect the nation's waters from the indiscriminate discharge of material capable of causing pollution and to restore and maintain their chemical, physical and biological integrity.

TO WHOM IT MAY CONCERN: The following application has been submitted for a Department of the Army Permit under the provisions of Section 404 of the Clean Water Act. This notice serves as the Corps of Engineers' request to the Ohio Department of Environmental Protection (OEPA) to act on Section 401 Water Quality Certification for the following application:

APPLICANT: Oxford Mining Company, Inc.
544 Chestnut St.
PO Box 427
Coshocton, OH 43812-0427

LOCATION: The proposed project is located approximately 2 miles southeast of Gnadenhutten, Tuscarawas County, Ohio.

DESCRIPTION OF THE PROPOSED WORK: The applicant proposes to place fill material into approximately 6,865 linear feet of unnamed tributaries to Stillwater Creek and unnamed tributaries to the Tuscarawas River in association with a surface mining operation (Ohio DNR Permit D-2245 and application 10289). The fill material would be generated from mining the No. 7 coal seam within the applicant's coal permit area. The proposed impacts would be in association with coal removal, seven embankment (sediment) ponds, one road crossing and placement of excess spoil. The following table documents the proposed permanent and temporary impacts associated with this project under the applicant's preferred alternative.

Stream	Proposed Impact	Impact Type	Intermittent (linear feet)	Ephemeral (linear feet)
UN Trib to Tuscarawas River (Stream A)	Coal Removal, Pond 005, Spoil Placement, Road Crossing	Permanent	690	244
UN Trib to Tuscarawas River (Stream A1)	Spoil Placement	Permanent	250	
UN Trib to Tuscarawas River (Stream B)	Coal Removal, Spoil Placement	Permanent	250	157
UN Trib to Tuscarawas River (Stream C)	Coal Removal, Spoil Placement	Permanent	250	356
UN Trib to Tuscarawas River (Stream D)	Coal Removal, Pond 004	Permanent	320	373
UN Trib to Tuscarawas River (Stream D)	Spoil Placement	Temporary	725	
UN Trib to Tuscarawas River (Stream E)	Coal Removal, Spoil Placement	Permanent	250	331
UN Trib to Tuscarawas River (Stream F)	Pond 003	Permanent	140	
UN Trib to Tuscarawas River (Ephemeral #6)	Coal Removal	Permanent		20
UN Trib to Tuscarawas River (Ephemeral #7)	Coal Removal	Permanent		40
UN Trib to Stillwater Creek (Ephemeral #8)	Coal Removal, Pond 012	Permanent		400

Stream	Proposed Impact	Impact Type	Intermittent (linear feet)	Ephemeral (linear feet)
UN Trib to Stillwater Creek (Ephemeral #9)	Pond 006	Permanent		340
UN Trib to Stillwater Creek (Stream G)	Pond 007	Permanent	400	
UN Trib to Stillwater Creek (Stream G)	Spoil Placement	Temporary	829	
UN Trib to Stillwater Creek (Stream H)	Coal Removal	Temporary	55	
UN Trib to Stillwater Creek (Stream H)	Coal Removal	Permanent		397
UN Trib to Stillwater Creek (Stream I)	Pond 009	Permanent	48	

Temporary impacts are defined as approximately 3+ years, where the mining activity would be completed within 3 years to be followed by reclamation, during which some of the proposed coal removal and spoil areas would be reconstructed/restored. Four of the proposed eleven embankment ponds would be located outside of waters of the US (Ponds 001, 002, 008 & 010). The coal permit area would encompass approximately 398 acres, with 66.7 acres to be affected by auger mining and 164.5 acres to be strip-mined. In total, approximately 2,598 linear feet of intermittent stream and 2,658 linear feet of ephemeral stream would be permanently impacted and 1,609 linear feet of intermittent stream would be temporarily impacted for overall impacts of 6,865 linear feet of stream.

ALTERNATIVE ANALYSIS: This project is not considered to be water dependent; therefore, the applicant is required to show that other less damaging practicable alternatives are not available that would achieve the applicant's goal. No permit will be issued until our review of the alternative analysis clearly shows that upland alternatives are not available to achieve the applicant's goal. The applicant has submitted the required alternatives analysis, and it is currently being reviewed by this office.

MITIGATION PLAN: The applicant provided a compensatory mitigation plan to compensate for temporary and permanent impacts to waters of the United States regulated by the United States Army Corps of Engineers. The proposed compensatory mitigation under the applicant's preferred alternative would include the restoration of 1,609 linear feet of intermittent stream temporarily impacted by spoil placement by using natural stream channel design. The applicant proposes to use the open water creation (ponds in above table) of approximately 6.64 acres and the elimination of 0.7 miles (3,696 feet) of existing highwall as mitigation for the remaining impacts.

Plans of the proposed work including the proposed mitigation are attached to this notice.

A Section 401 Water Quality Certification is required for this project. It is the applicant's responsibility to obtain the certification from the OEPA. The applicant's coal mining permit was originally approved by the Ohio DNR on August 3, 2005. Work has not commenced at this mine, and a new application is currently pending with the Ohio DNR under application 10289.

HISTORIC AND CULTURAL RESOURCES: The National Register of Historic Places has been consulted and it has been determined that there no listed properties listed on the Register in the area affected by the project. A copy of this public notice will be furnished to the Ohio State Historic Preservation Office for their review. Comments concerning archeological sensitivity of the project area should be based upon collected data.

ENDANGERED/THREATENED SPECIES REVIEW: This project is located within the known or historic range of the following federally-listed species:

Indiana bat
Clubshell mussel
Bald eagle

The Huntington District has consulted the most recently available information and based on this information, the proposed project is not likely to affect the continued existence of any endangered or threatened species, or result in the destruction or adverse modification of habitat of such species which has been determined to be critical. This public notice serves as a request to the U.S. Fish and Wildlife Service for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

PUBLIC INTEREST REVIEW AND COMMENT: Any person who has an interest that may be adversely affected by the issuance of a permit may request a public hearing. The request must be submitted in writing to the District Engineer on or before the expiration date of this notice and must clearly set forth the interest which may be adversely affected and the manner in which the interest may be adversely affected by the activity. This application will be reviewed in accordance with 33 CFR 320-331, the Regulatory Program of the U. S. Army Corps of Engineers (USACE), and other pertinent laws, regulations, and executive orders. Our evaluation will also follow the guidelines published by the U. S. Environmental Protection Agency pursuant to Section 404(b) (1) of the CWA. Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered including the cumulative effects thereof; of those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic

properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. Written statements on these factors received in this office on or before the expiration date of this public notice will become a part of the record and will be considered in the final determination. A permit will be granted unless its issuance is found to be contrary to the public interest.

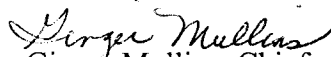
SOLICITATION OF COMMENTS: The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. For accuracy and completeness of the administrative record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before the close of the comment period listed on page one of this Public Notice. If no comments are received by that date, it will be considered that there are no objections.

Comments and requests for additional information should be submitted to:

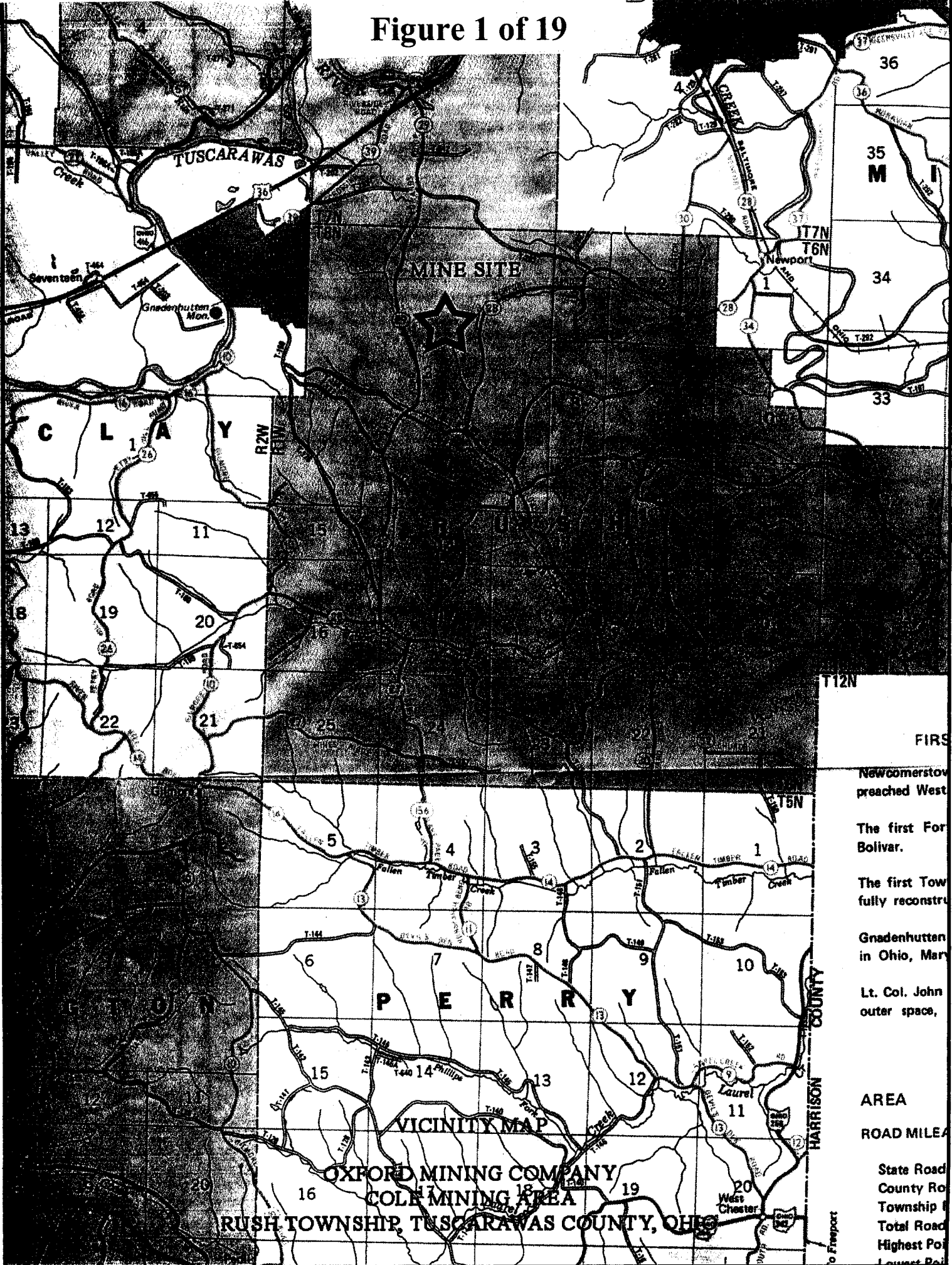
Mr. Jim Spence
North Regulatory Section, CELRH-OR-FN
U. S. Army Corps of Engineers Huntington District
502 Eighth Street
Huntington, West Virginia 25701-2070.

Please note names and addresses of those who submit comments in response to this public notice may be made publicly available. Thank you for your interest in our nation's water resources. If you have any questions concerning this public notice, please contact Mr. Jim Spence of the North Regulatory Section at 304-399-5210.


Ginger Mullins, Chief
Regulatory Branch

(O)

Figure 1 of 19



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preached West

The first For
Bolivar.

The first Tow
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in Ohio, Mary

Lt. Col. John
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AREA

ROAD MILEA

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Township
Total Road
Highest Poi
Lowest Poi

Figure 2 of 19

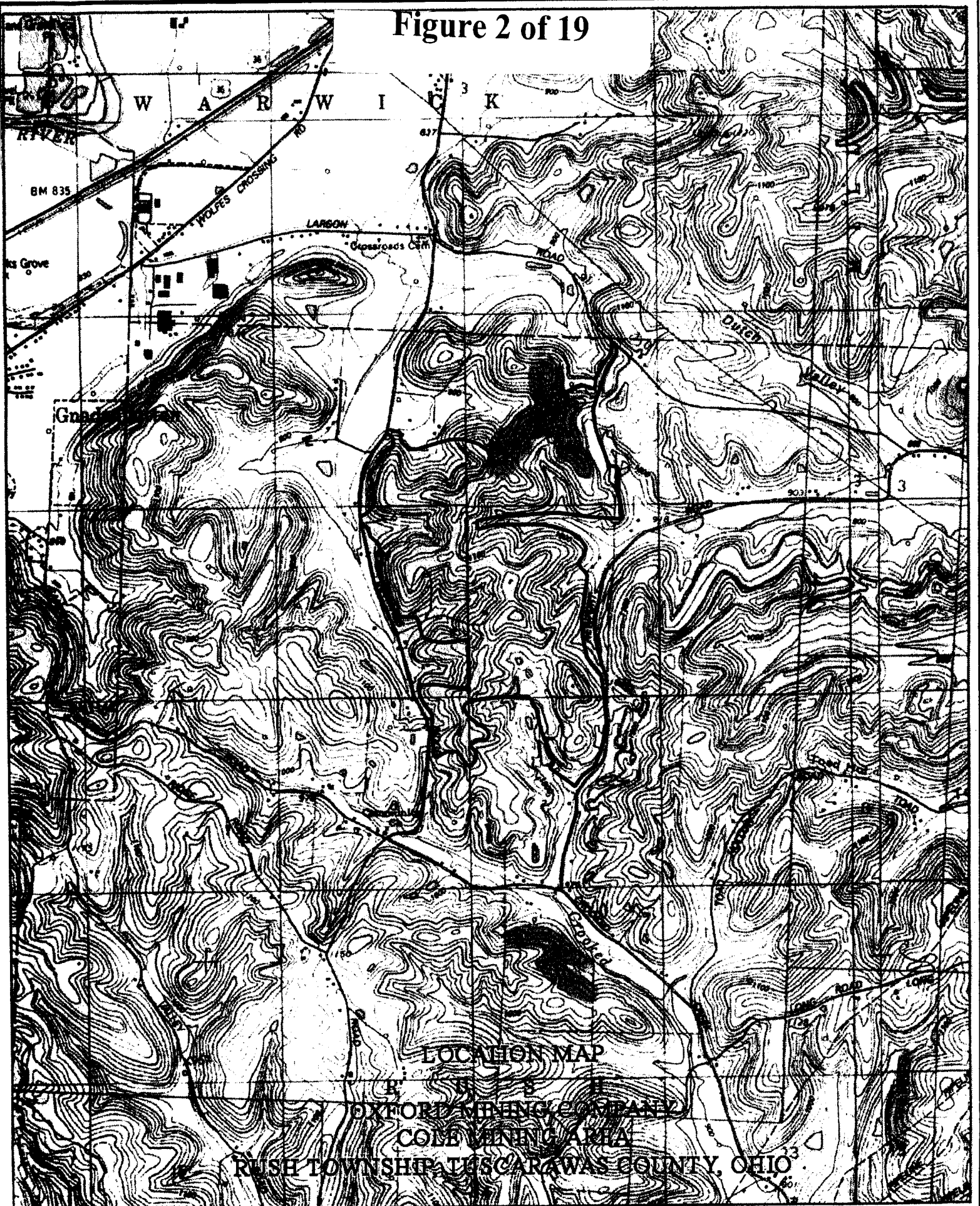
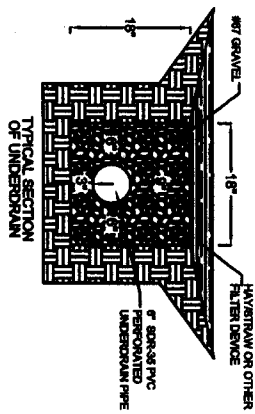
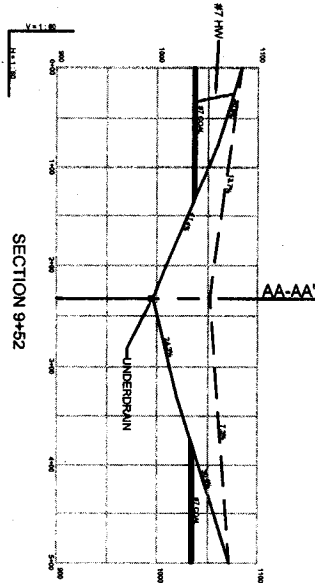
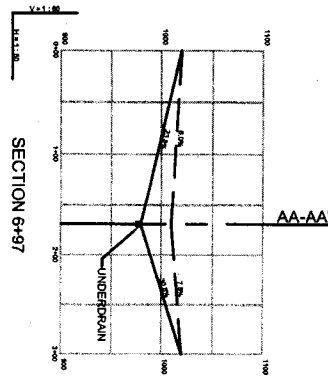
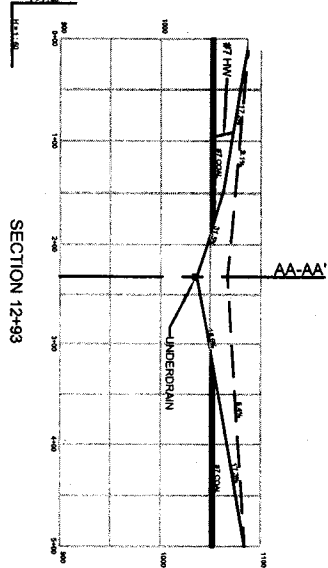
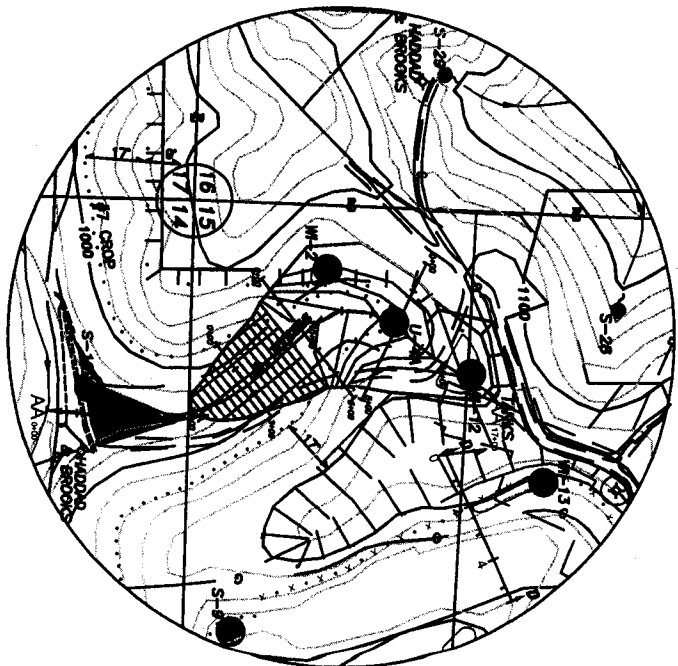
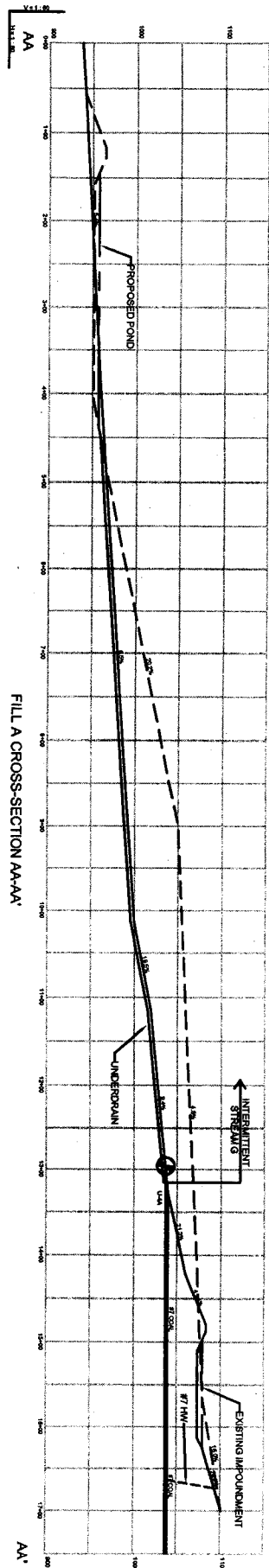


Figure 3 of 19



THE UNDERDRAIN WILL BE INSTALLED UNDER EACH FILL AND WILL EXTEND FROM THE TOE OF THE FILL TO ANY BRINK LOCATED THERE. THE FILL PROVIDED BY THE UNDERDRAIN WILL BE ASSOCIATION, THE SPECIFIED 80% PVC PERFORATED PIPE HAS A PIPE STIFFNESS OF 40 IN. USING UNDERDRAIN, SOFTWARE AND THE PROPOSED DESIGN CRITERIA, THE PRESSURE EXERTED ON THE PIPE BY THE EXCESS SPOOL FILL WILL RESULT IN A PIPE DEFLECTION OF APPROXIMATELY 0.4IN, WHICH IS LESS THAN THE ALLOWED DEFLECTION OF 7/16IN.



ENGINEERING DESIGN SHEETS FOR:
OXFORD MINING COMPANY, INC.
 R-2245-1

DATE: 11/20/05
 REV. DATE:
 SCALE: 1" = 100'

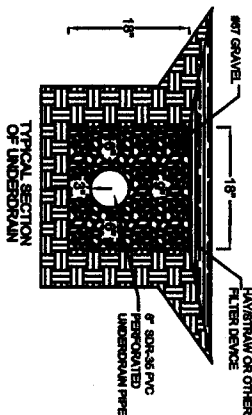
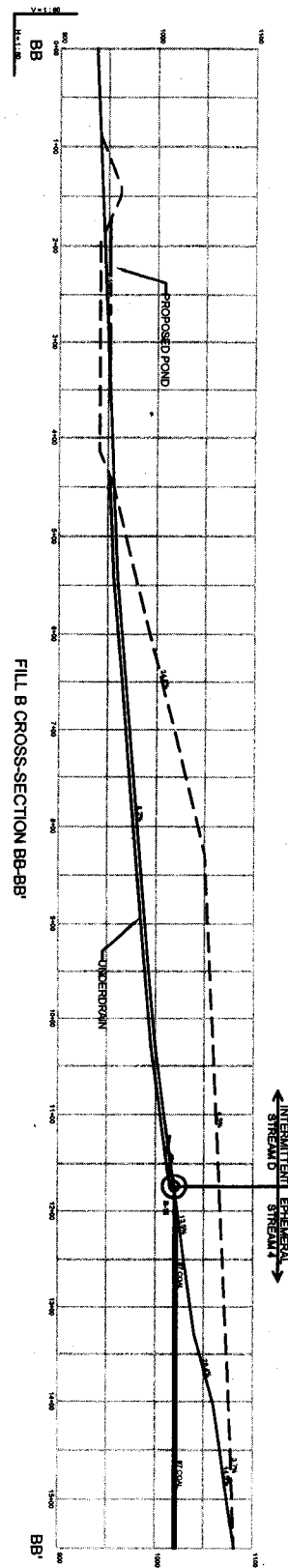
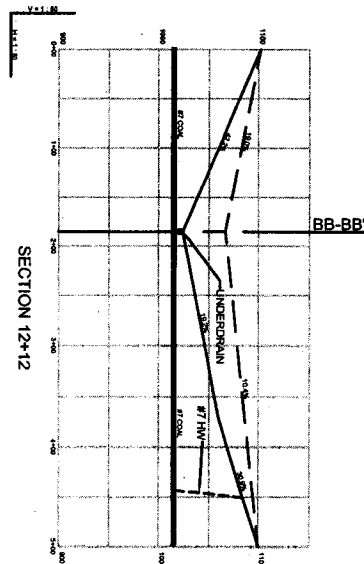
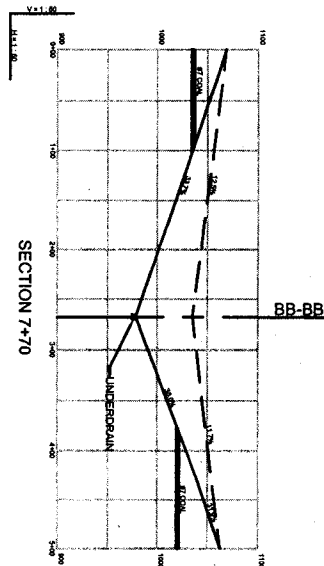
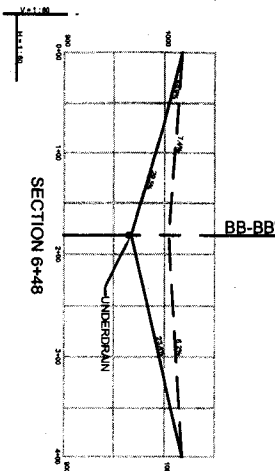
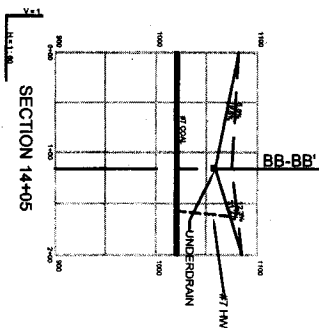
SEAL

ARTHUR TAYLOR, P.E.

BUCKEYE MINERAL SERVICES, INC.
 834 COOKSON AVE.
 P.O. BOX 546
 NEW PHILADELPHIA, OHIO 44663
 (330)339.2100



Figure 4 of 19



THIS UNDERDRAIN WILL BE INSTALLED UNDER EACH FILL AND WILL EXTEND FROM THE TOE OF THE FILL TO ANY SPRING LOCATED UNDER THE FILL. PER INFORMATION PROVIDED BY THE UN-BELL PVC PIPE MANUFACTURER, THE SPECIFIED 6\"/>



ENGINEERING DESIGN SHEETS FOR:
OXFORD MINING COMPANY, INC.
 R-2245-1

DATE: 11/30/05
 REV DATE:
 SCALE: 1" = 100'

SEAL

ARTHUR TAYLOR, P.E.

BUCKEYE MINERAL SERVICES, INC.
 534 COOKSON AVE.
 P.O. BOX 548
 NEW PHILADELPHIA, OHIO 44663
 (330) 339.2100



Figure 5 of 19

EMERGENCY SPILLWAY CHANNEL

CREST ELEV.	= 963.0
BOTTOM WIDTH	= 30ft (min)
DEPTH	= 2.5ft
SIDE SLOPES	= 2:1 (max)
LEVEL SECTION	= 20ft

POND DATA

WATER SURFACE ELEVATION	= 963.0
AREA	= 0.55 AC.
BOTTOM OF POND ELEVATION	= 952.0
AREA	= 0.16 AC.

POND 001

PERMIT NO. (COLE)

OXFORD MINING CO., INC.

LOCATED IN

LOT 13

SECOND QUARTER, T-6-N, R-1-W

RUSH TOWNSHIP

TUSCARAWAS COUNTY, OHIO

CONTOUR INTERVAL = 5'

SCALE: 1" = 50'

DATE PREPARED: JANUARY 15, 2004

DATE REVISED: JULY 8, 2004

PREPARED BY:

BAIR, GOODIE AND ASSOCIATES, INC.

153 NORTH BROADWAY

NEW PHILADELPHIA, OHIO 44663

PHONE (330) 343-3499

STATE OF OHIO

PROFESSIONAL ENGINEER

ROBERT D. ROONEY, E.C. 957344

I, hereby certify that this design meets the requirements of Rule 1501:13-91.04(3)(4)

HOOLEY

E-57844

FILE NO. COLE110

POND DATA	
WATER SURFACE ELEVATION	= 963.0
AREA	= 0.55 AC.
BOTTOM OF POND	
ELEVATION	= 952.0
AREA	= 0.16 AC.

POND 001
PERMIT NO. (COLE)
OXFORD MINING CO., INC.
LOCATED IN LOT 13 SECOND QUARTER, T-6-N, R-1-W RUSH TOWNSHIP TUSCARAWAS COUNTY, OHIO
CONTOUR INTERVAL = 5'
SCALE: 1" = 50'
DATE PREPARED: <u>JANUARY 15, 2004</u>
DATE REVISED: <u>JULY 8, 2004</u>
PREPARED BY: BAIR, GOODIE AND ASSOCIATES, INC. 153 NORTH BROADWAY NEW PHILADELPHIA, OHIO 44663 PHONE (330) 343-3489

1. heretofore that this design meets the requirements of Rule 1.501-13.9 (1-15-64H)

PROPOSED PATENT
 HOOLEY
 E-57344

REGISTERED
 ENGINEER
 OHIO

ROBERT A. HOOLEY
 E-57344

Figure 6 of 19

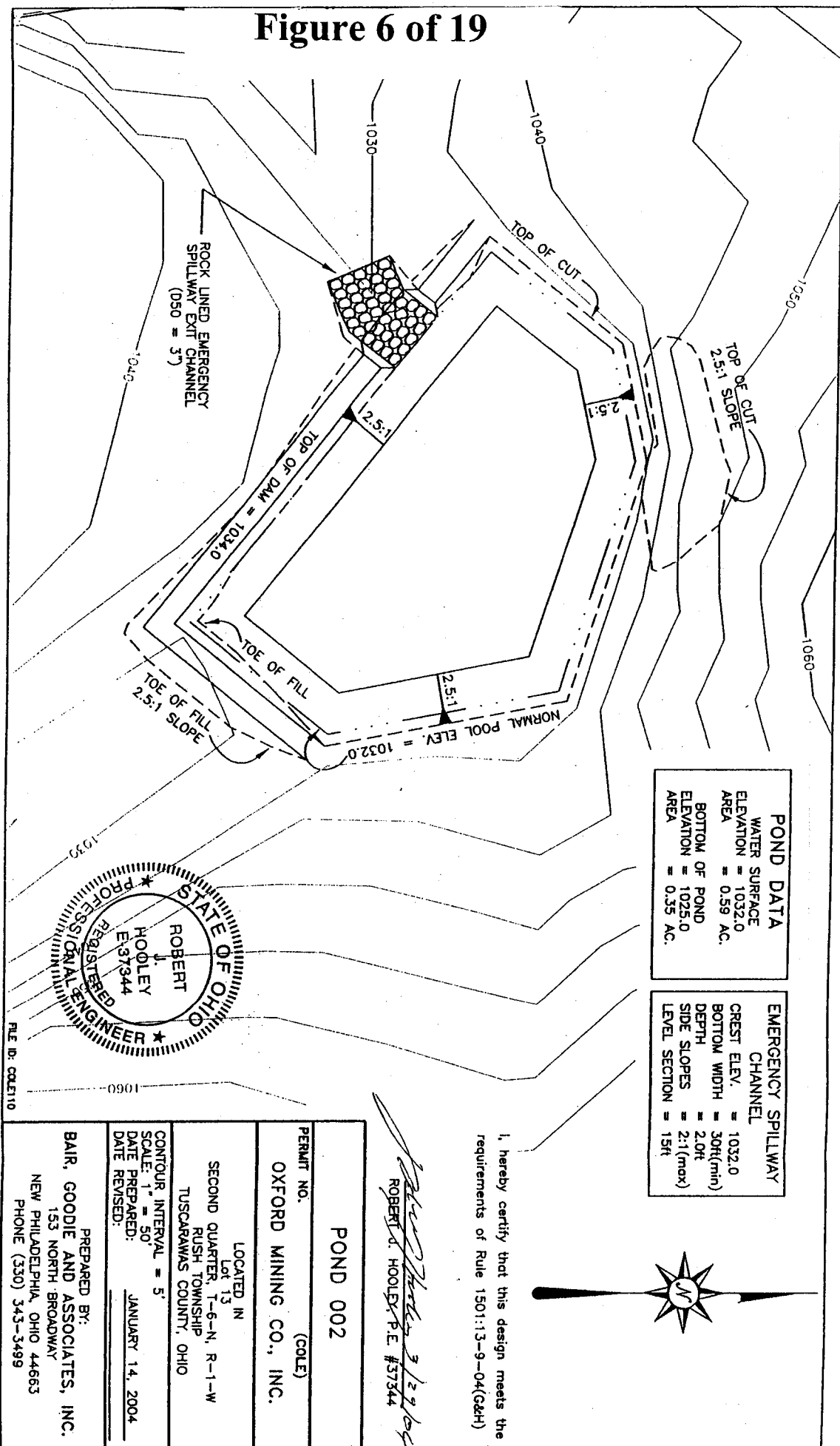


Figure 7 of 19

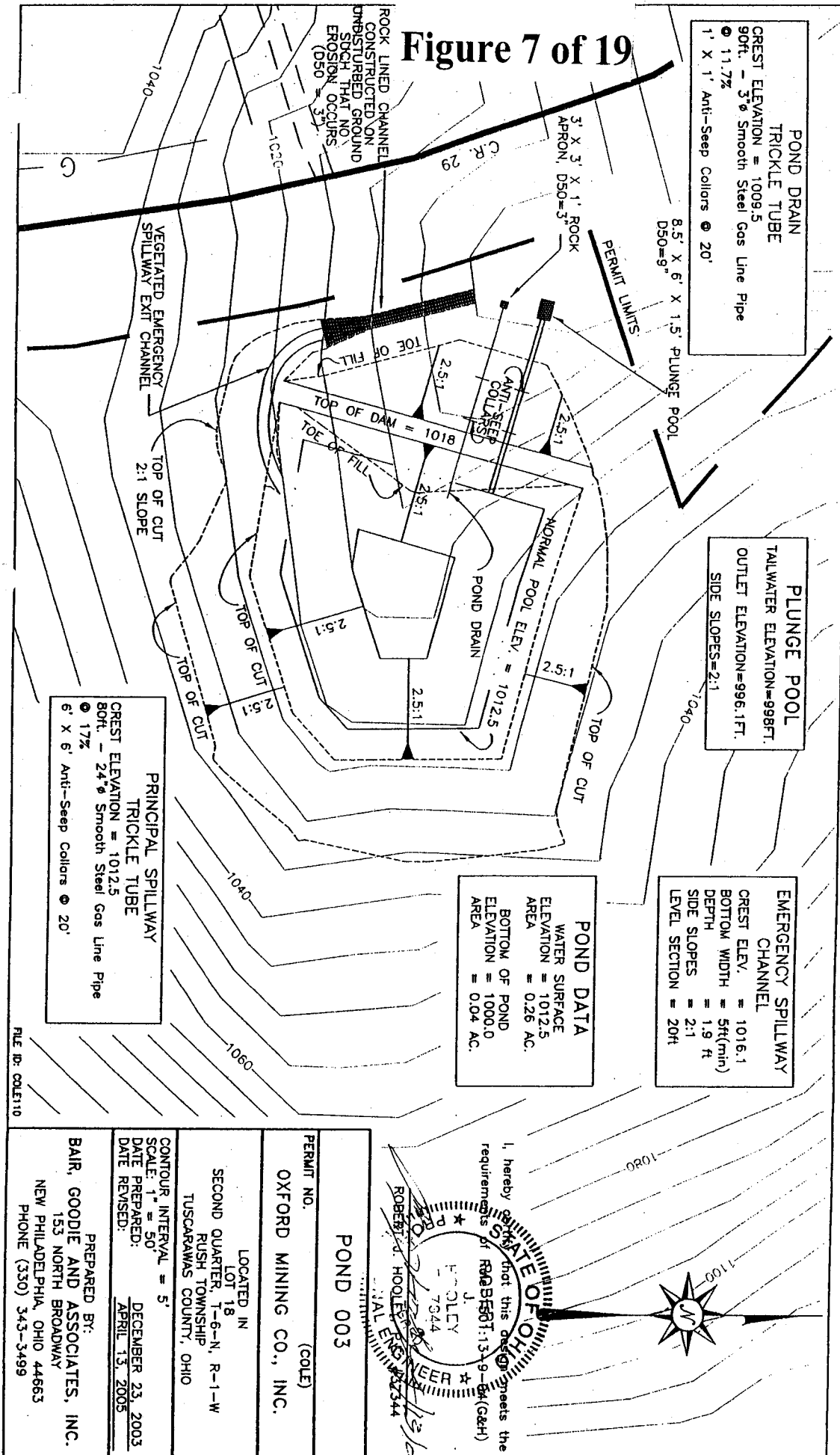
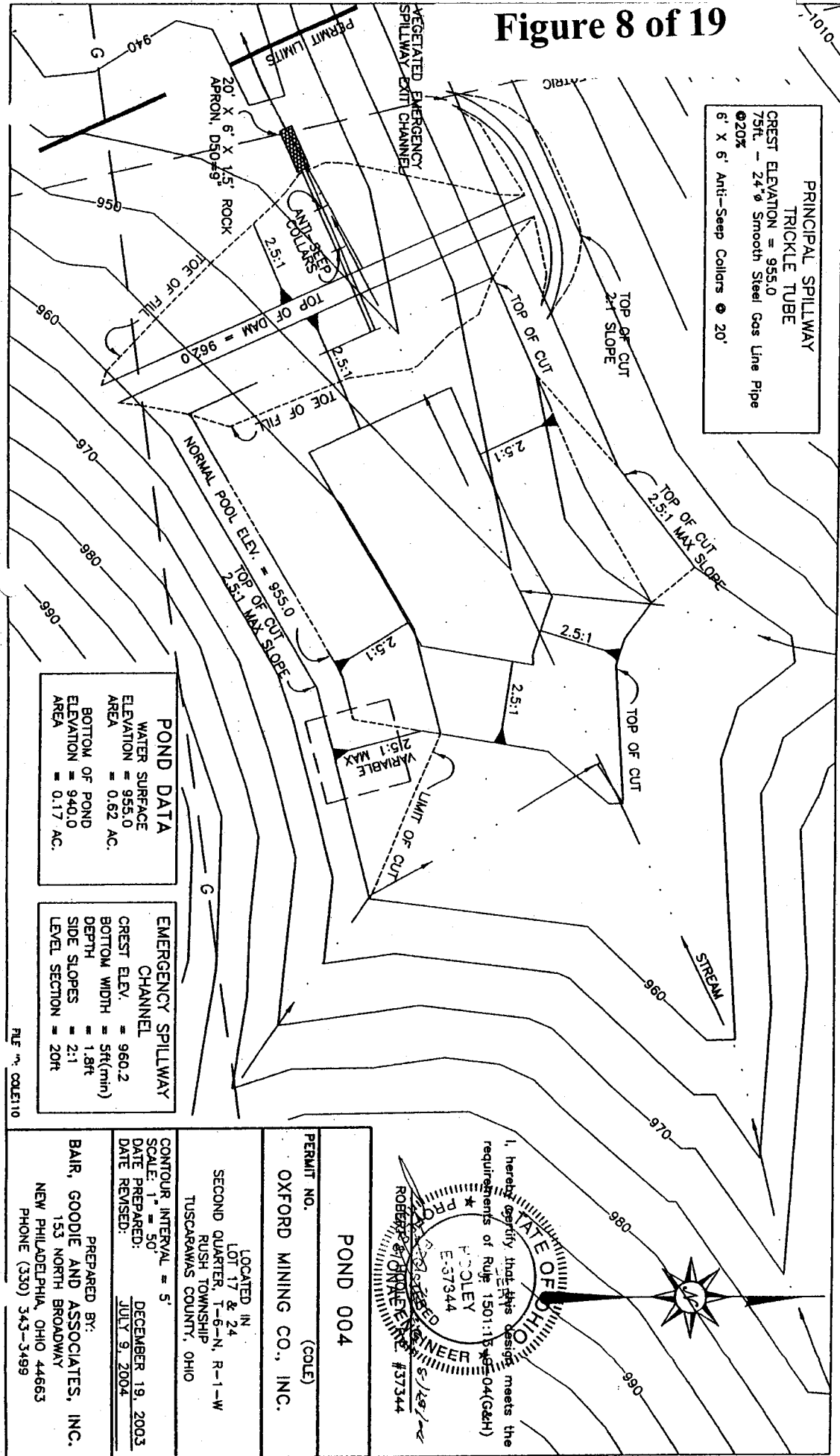


Figure 8 of 19



PERMIT NO. (COLE)	
OXFORD MINING CO., INC.	
LOCATED IN LOT 17 & 24 SECOND QUARTER, T-6-N, R-1-W RUSH TOWNSHIP TUSCARAWAS COUNTY, OHIO	
CONTOUR INTERVAL = 5'	
SCALE: 1" = 50'	DECEMBER 19, 2003
DATE PREPARED:	JULY 9, 2004
DATE REVISED:	
PREPARED BY: BAR, GOODIE AND ASSOCIATES, INC. 153 NORTH BROADWAY NEW PHILADELPHIA, OHIO 44663 PHONE (330) 343-3499	

I, hereby certify that this design meets the requirements of Rule 1501:15-04(G&H)

★
P. COLEY
E-67344

PROFESSIONAL ENGINEER
ROBERT S. COLEY, #57344

Figure 9 of 19

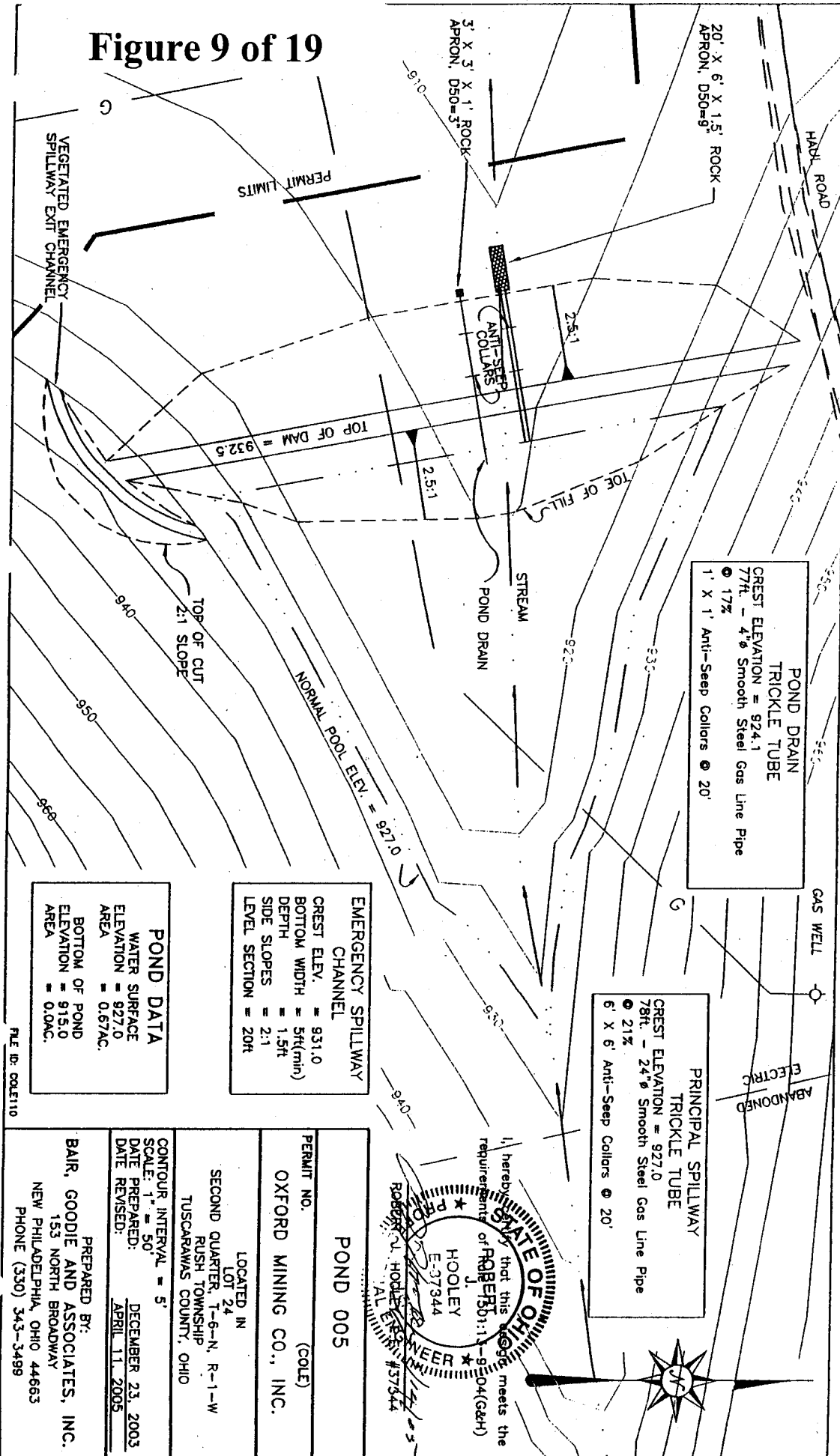


Figure 10 of 19

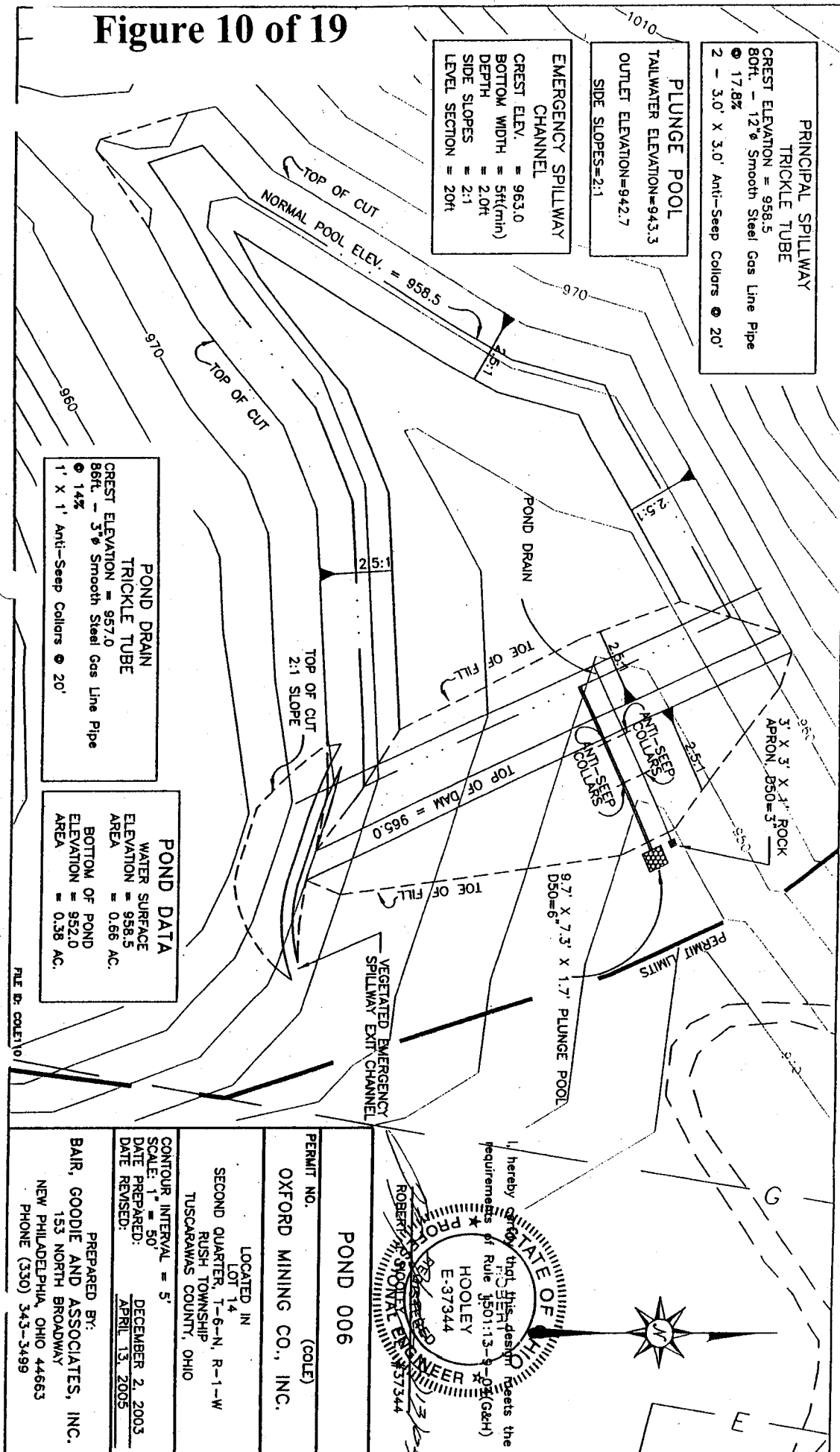
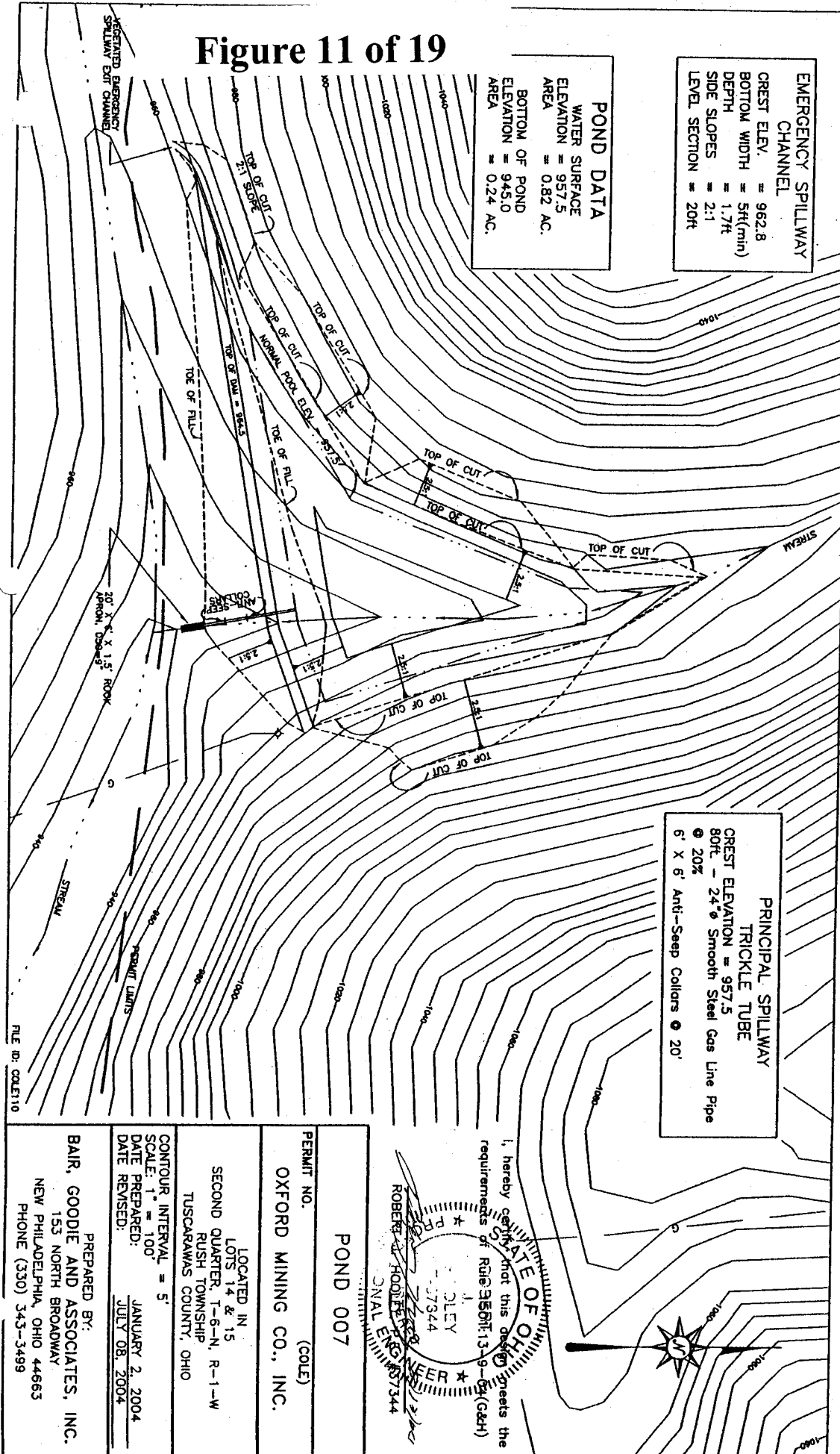


Figure 11 of 19



EMERGENCY SPILLWAY CHANNEL
 CREST ELEV. = 962.8
 BOTTOM WIDTH = 5ft(min)
 DEPTH = 1.7ft
 SIDE SLOPES = 2:1
 LEVEL SECTION = 20ft

POND DATA
 WATER SURFACE ELEVATION = 957.5
 AREA = 0.82 AC.
 BOTTOM OF POND ELEVATION = 945.0
 AREA = 0.24 AC.

PRINCIPAL SPILLWAY TRICKLE TUBE
 CREST ELEVATION = 957.5
 80ft. - 24" Smooth Steel Gas Line Pipe
 6' x 6' Anti-Sleep Collars @ 20'

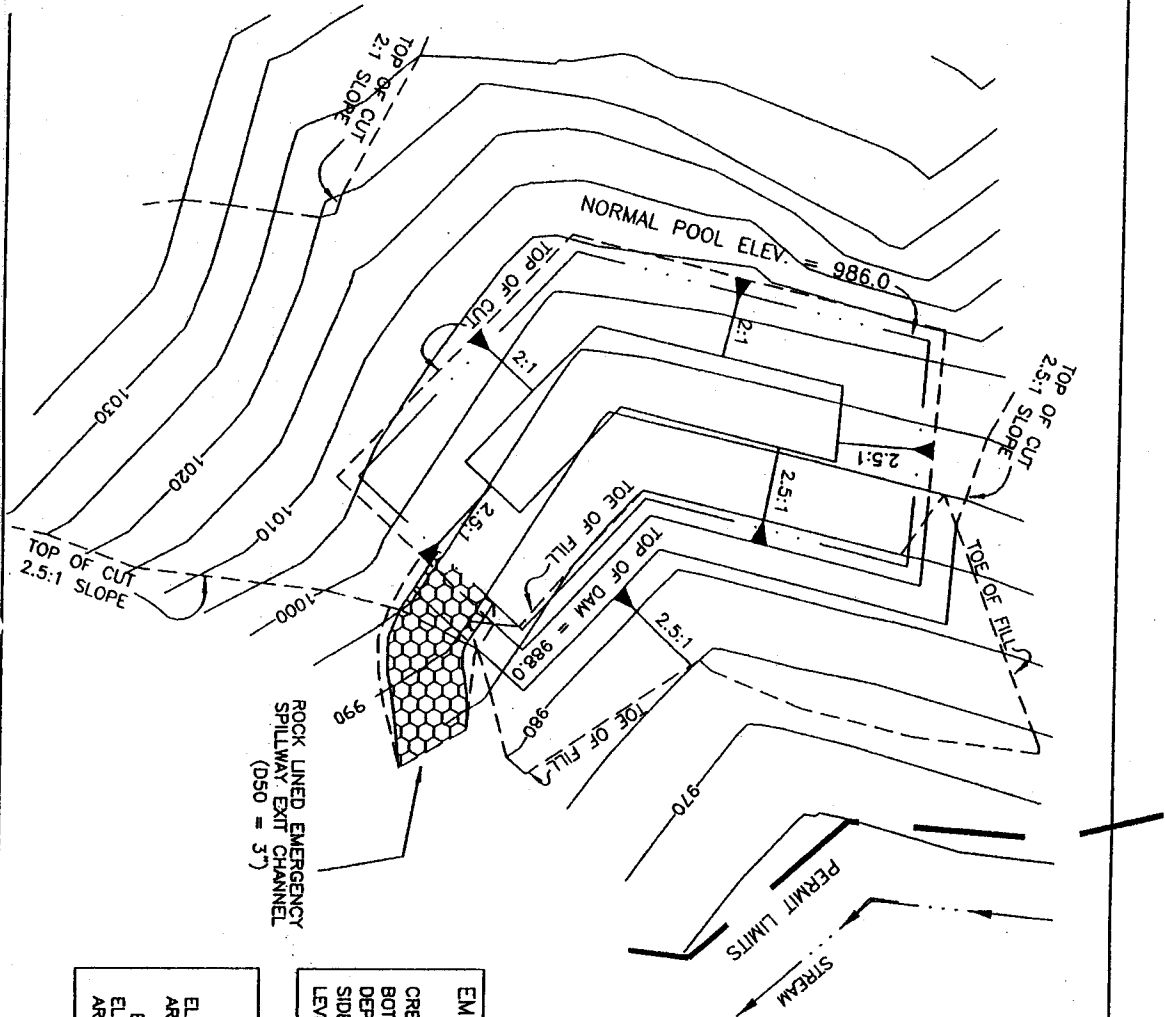
FILE NO. COLE110

POND 007 PERMIT NO. (COLE) OXFORD MINING CO., INC.	
LOCATED IN LOTS 14 & 15 SECOND QUARTER, T-6-N, R-1-W TUSCARAWAS COUNTY, OHIO	
CONTOUR INTERVAL = 5' SCALE: 1" = 100' DATE PREPARED: JANUARY 2, 2004 DATE REVISED: JULY 08, 2004	PREPARED BY: BAIR, GOODIE AND ASSOCIATES, INC. 153 NORTH BROADWAY NEW PHILADELPHIA, OHIO 44663 PHONE (330) 343-3499

I, hereby certify that this design meets the requirements of Rule 13-9-03 (G&H)

ROBERT J. HOOD
 P.E.
 37344
 C.N.A.L. ENGINEER

Figure 12 of 19



POND DATA
 WATER SURFACE
 ELEVATION = 986.0
 AREA = 0.33 AC.
 BOTTOM OF POND
 ELEVATION = 975.0
 AREA = 0.08 AC.

**EMERGENCY SPILLWAY
 CHANNEL**
 CREST ELEV. = 986.0
 BOTTOM WIDTH = 25ft.(min)
 DEPTH = 2.0ft
 SIDE SLOPES = 2:1
 LEVEL SECTION = 15ft

FILE ID: COLE110

PERMIT NO.	(COLE)
OXFORD MINING CO., INC.	
LOCATED IN	LOTS 6 & 15
SECOND QUARTER, 1-6-N, R-1-W	
TUSCARAWAS COUNTY, OHIO	
CONTOUR INTERVAL = 5'	
SCALE: 1" = 50'	
DATE PREPARED:	JANUARY 7, 2004
DATE REVISED:	JULY 9, 2004
PREPARED BY:	BAIR, GOODIE AND ASSOCIATES, INC.
	153 NORTH BROADWAY
	NEW PHILADELPHIA, OHIO 44663
	PHONE (330) 343-3499

I, hereby certify that this plan meets the requirements of Rule 1501.1 of the Ohio Code of Public Safety (C&H)

ROBERT J. HOOLEY, P.E.
 REGISTERED PROFESSIONAL ENGINEER
 NO. 15344



Figure 13 of 19

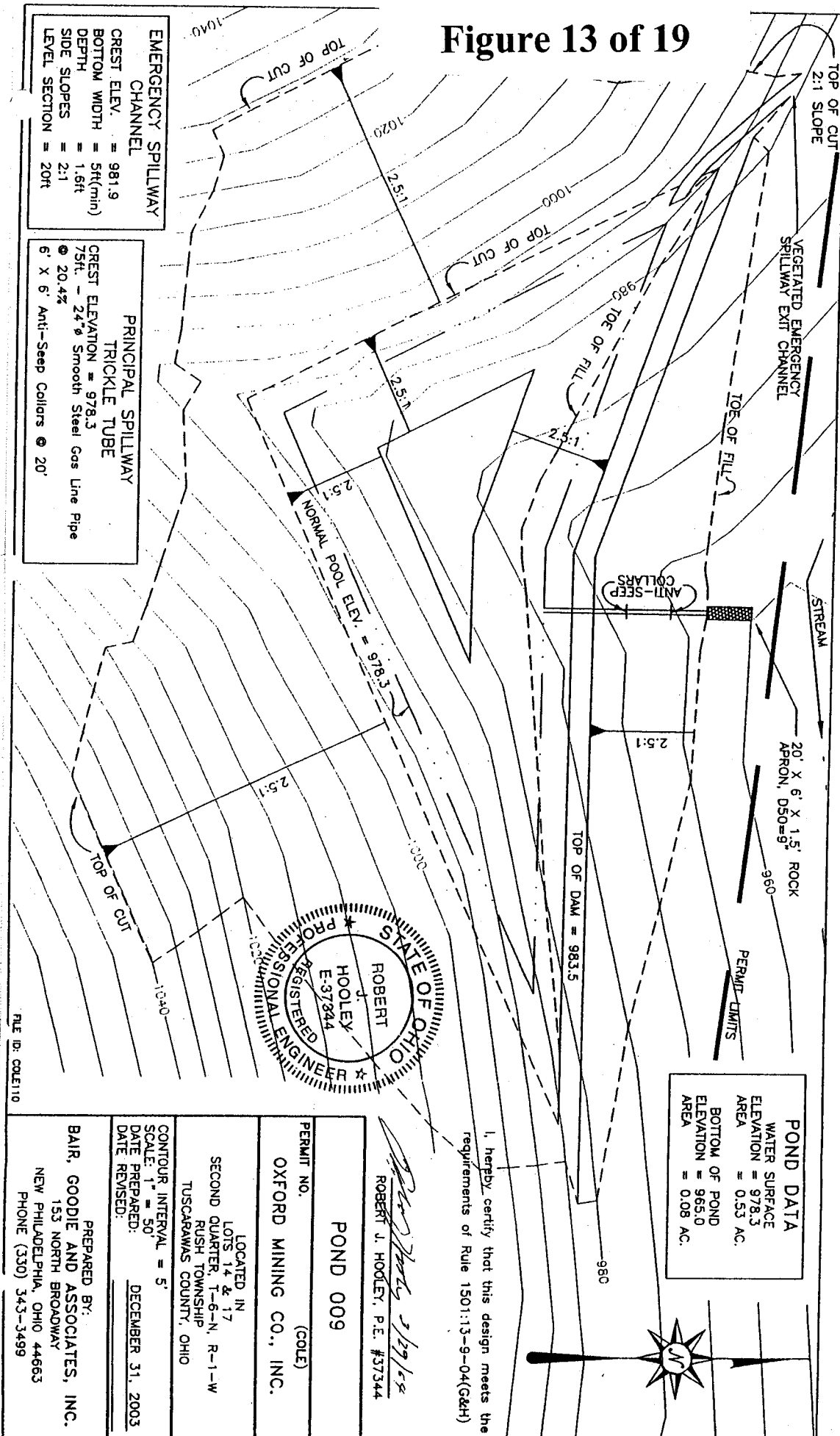


Figure 14 of 19

Figure 14 of 19

ROCK LINED CHANNEL CONSTRUCTED ON UNDISTURBED GROUND SUCH THAT NO EROSION OCCURS (DSO = 6')

20' X 6' X 1.5' ROCK AFRON, DSO=9'

PERMIT LIMITS

910

TOE OF FILL

920

TOE OF FILL

2.5:1

TOP OF DAM = 930.0

2.5:1

TOP OF CUT 2.5:1 SLOPE

930

TOE OF CUT

940

TOP OF CUT 2.5:1 SLOPE

950

TOE OF CUT 2.5:1 SLOPE

960

TOE OF CUT 2.5:1 SLOPE

970

TOE OF CUT 2.5:1 SLOPE

980

TOE OF CUT 2.5:1 SLOPE

990

TOE OF CUT 2.5:1 SLOPE

1000

TOE OF CUT 2.5:1 SLOPE

1010

TOE OF CUT 2.5:1 SLOPE

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1100

TOE OF CUT 2.5:1 SLOPE

1110

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1190

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1380

TOE OF CUT 2.5:1 SLOPE

1390

TOE OF CUT 2.5:1 SLOPE

1400

TOE OF CUT 2.5:1 SLOPE

1410

TOE OF CUT 2.5:1 SLOPE

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1450

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1460

TOE OF CUT 2.5:1 SLOPE

1470

TOE OF CUT 2.5:1 SLOPE

1480

TOE OF CUT 2.5:1 SLOPE

1490

TOE OF CUT 2.5:1 SLOPE

1500

TOE OF CUT 2.5:1 SLOPE

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1990

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2000

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2010

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2250

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2260

TOE OF CUT 2.5:1 SLOPE

2270

TOE OF CUT 2.5:1 SLOPE

2280

I, hereby certify that this design meets the requirements of Rule 1501:13-9-04(G&H)

~~Robert J. Hooley, P.E. #37344~~

PERMIT NO. (COLE)

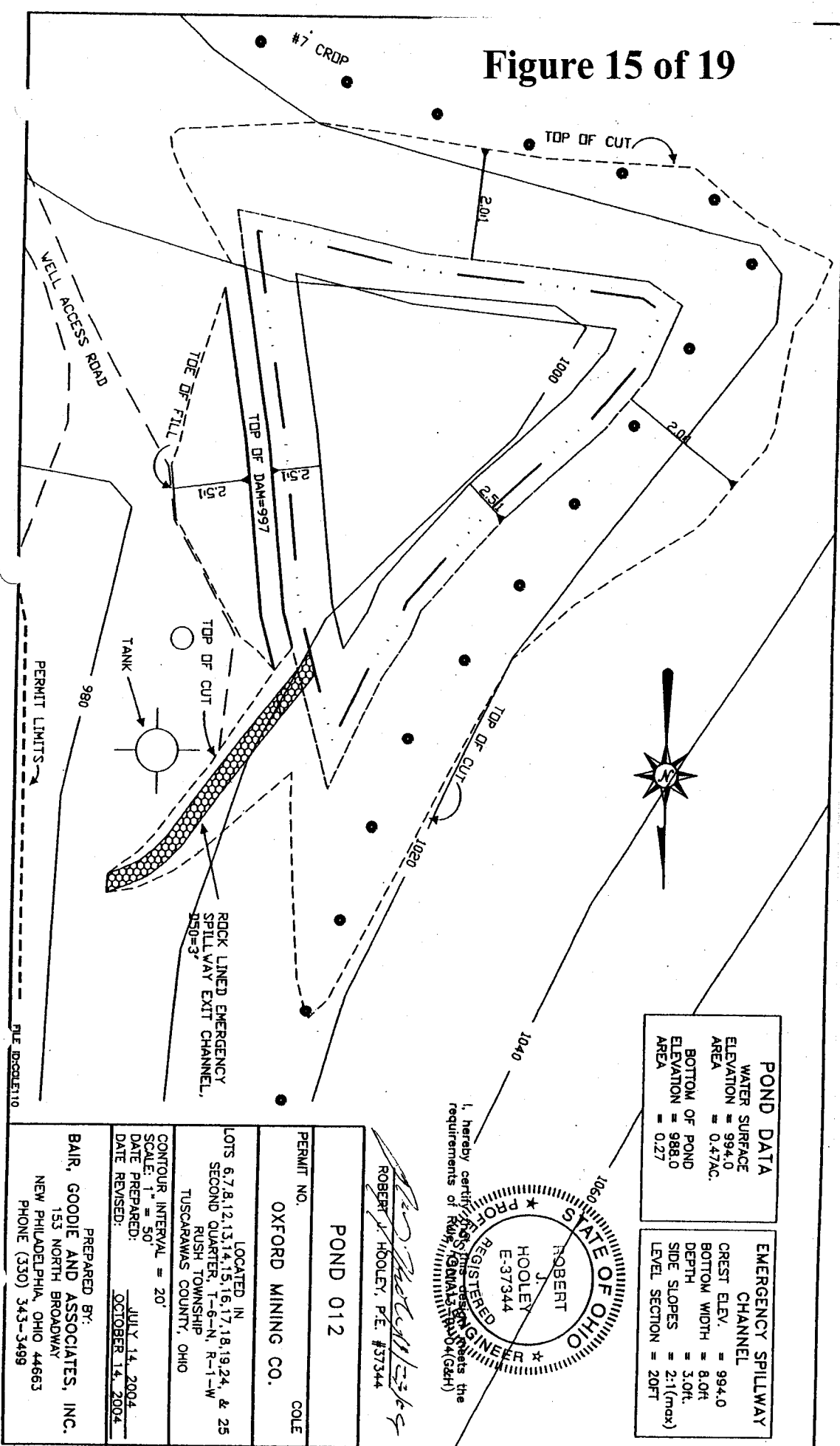
OXFORD MINING CO., INC.

LOCATED IN
LOT 25
SECOND QUARTER, T-6-N, R-1-W
RUSH TOWNSHIP
TUSCARAWAS COUNTY, OHIO

CONTOUR INTERVAL = 5'
SCALE: 1" = 50'
DATE PREPARED: FEBRUARY 2, 2004
DATE REVISED:

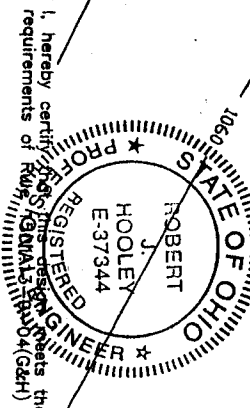
PREPARED BY:
BAIR, GOODIE AND ASSOCIATES, INC.
153 NORTH BROADWAY
NEW PHILADELPHIA, OHIO 44663
PHONE (330) 343-3499

Figure 15 of 19



POND DATA	
WATER SURFACE ELEVATION	= 994.0
AREA	= 0.47AC.
BOTTOM OF POND ELEVATION	= 988.0
AREA	= 0.27

EMERGENCY SPILLWAY CHANNEL	
CREST ELEV.	= 994.0
BOTTOM WIDTH	= 8.0ft.
DEPTH	= 3.0ft.
SIDE SLOPES	= 2:1(max)
LEVEL SECTION	= 20ft



ROBERT J. HOOLEY, P.E. #37344

POND 012

PERMIT NO.

OXFORD MINING CO.

COLE

LOCATED IN:
LOTS 6,7,8,12,13,14,15,16,17,18,19,24, & 25
SECOND QUARTER, T-6-N, R-1-W
RUSH TOWNSHIP
TUSCARAWAS COUNTY, OHIO

CONTOUR INTERVAL = 20'

SCALE: 1" = 50'

DATE PREPARED: JULY 14, 2004

DATE REVISED: OCTOBER 14, 2004

PREPARED BY:
BAIR, GOODE AND ASSOCIATES, INC.
153 NORTH BROADWAY
NEW PHILADELPHIA, OHIO 44663
PHONE (330) 343-3489

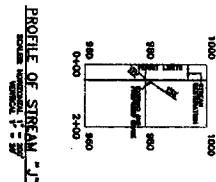
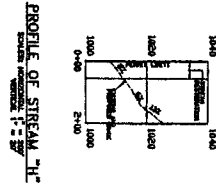
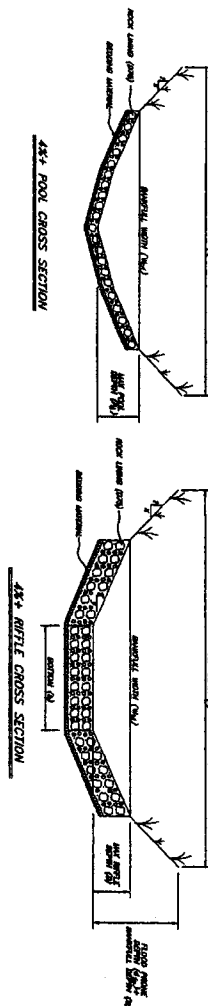


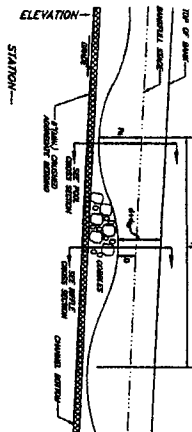
CHART FOR CHANNELS OF >4%

[illegible]

- [illegible]



4%+ TYPICAL CHANNEL PROFILE



NOTES:

- [illegible]

1. THE UNDERSIGNED, MURRAY CERNY, BEARS THIS CERTIFICATE THAT THE COMPANIES WITH THE RECORDINGS OF FILE 150115-0-04 OF THE OHIO ADVERTISING CODE.

~~100 WPC 8 IN GROUND = 15~~

JOHN H. KELLY, 714 JAMES ST. BOSTON

4

[illegible]

Addendum to Natural Channel Design, Page 3 TYPICAL CHANNEL PROFILE for SLOPES GREATER THAN 4% (Drawing Not to Scale)

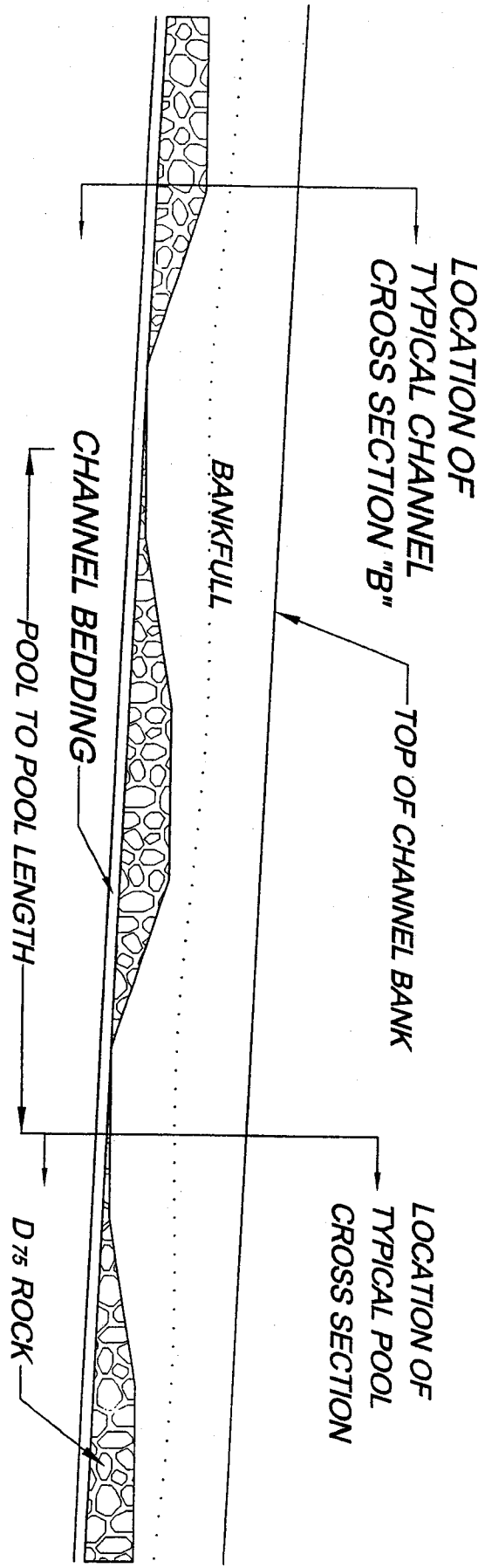
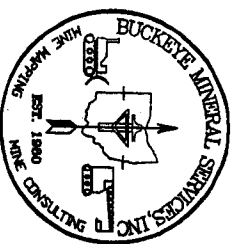


Figure 17 of 19



Addendum to Natural Channel Design, Page 3

TYPICAL POOL CROSS SECTION
(Drawing Not to Scale)

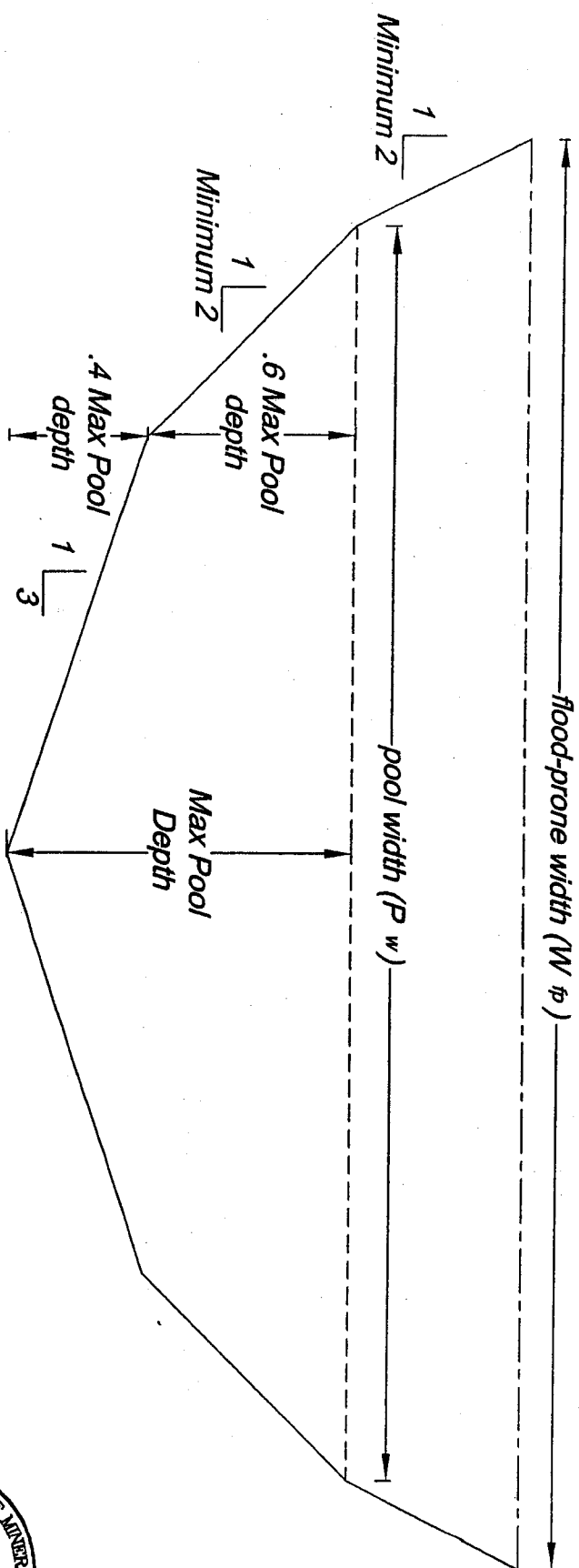
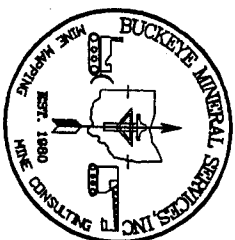


Figure 18 of 19



Addendum to Natural Channel Design, Page 4

TYPICAL CHANNEL CROSS SECTION "B"

for

SLOPES GREATER THAN 4%

(Drawing Not to Scale)

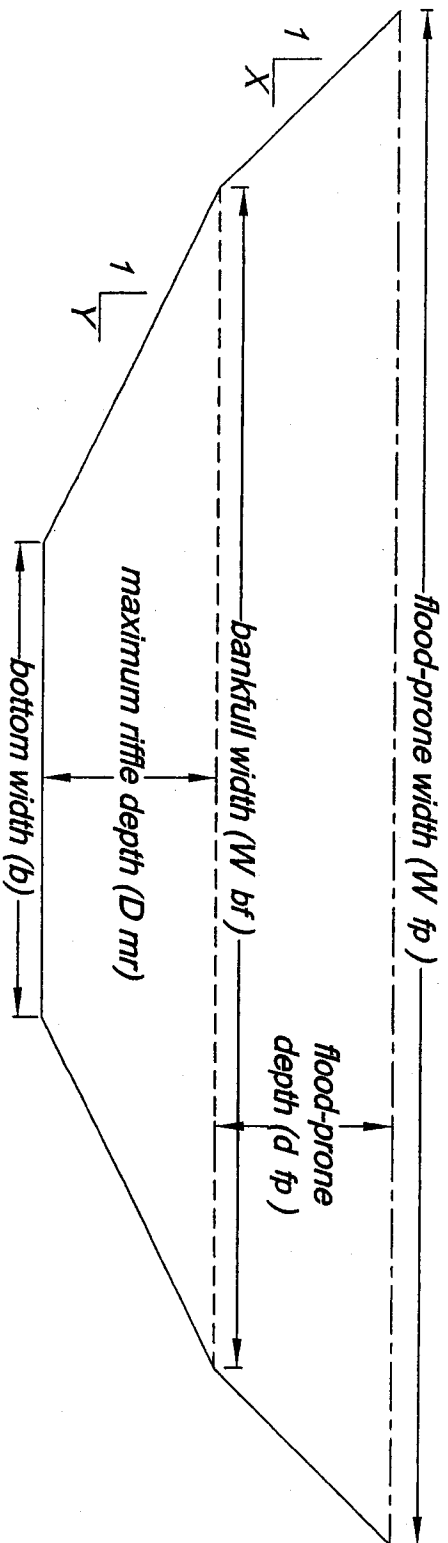


Figure 19 of 19